

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

APR 21 2025

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff,

v.

Civil Action No. 1:24-cv-03583-VMC Relief Defendants.

DRIVE PLANNING, LLC, and RUSSELL TODD BURKHALTER,

Defendants,

and

JACQUELINE BURKHALTER, THE BURKHALTER RANCH CORPORATION,
DRIVE PROPERTIES, LLC, DRIVE GULFPORT PROPERTIES LLC, and TBR
SUPPLY HOUSE, INC.,

Relief Defendants.

**RESPONSE OF CERTIFICATE OF SERVICE OF MOTION FOR TURNOVER OF
AND IMPOSITION OF CONSTRUCTIVE TRUST ON REAL PROPERTY
TRACEABLE TO DRIVE PLANNING, LLC**

JACQUELINE F
DRIVE PROPF

SUPPLY HO^E SF

RESPONSE TO MOTION FOR TURNOVER

I, Mark Haye, an investor in Drive Planning, LLC, respectfully submit this response to the Motion for Turnover filed on March 25, 2025, by court-appointed Receiver, Kenneth D. Murena, Esq.

Drive Planning, LLC has been deemed a Ponzi scheme by the U.S. Securities and Exchange Commission (SEC), with operations and investor accounts frozen as of August 13, 2025. The Plaintiff, the U.S. Securities and Exchange Commission (SEC), has filed a complaint against Drive Planning, LLC, seeking relief from the Ponzi scheme. The Plaintiff's complaint alleges that Drive Planning, LLC engaged in a Ponzi scheme, defrauded investors, and violated various securities laws. The Plaintiff is seeking a permanent injunction, disgorgement of非法所得, and other relief. The Plaintiff's complaint is currently pending in the Northern District of Georgia, and a trial date has not yet been set.

2024. The loan at issue is an unsecured loan issued under the fraudulent misrepresentation that Drive Planning, LLC was a legitimate financial institution engaged in real estate investments.

~~Exchange is important to note that I, Mark Haye, had invested substantially more funds into Drive
DRIVE PROPE~~
Planning, LLC than the amount of the unsecured loan. This is not a mortgage-backed loan, and therefore, I respectfully submit that seizure of my personal residence is not a fair or appropriate remedy in light of the unsecured nature of the debt and the fraudulent conduct of Drive Planning, LLC.

Since the receivership began, I have made over a dozen efforts to resolve this matter in good faith. These efforts include proposals for payment plans, lump-sum settlements, and ~~Exchange is impo~~ restructuring offers. I am currently in the process of securing a conventional loan through a ~~Planning, LLC na~~ financial institution to fully satisfy the outstanding unsecured loan balance. ~~therefore~~.

I respectfully request that the Court and the Receiver continue to work with me in good faith while I finalize this loan, allowing for full repayment without resorting to turnover or forced sale of my home.

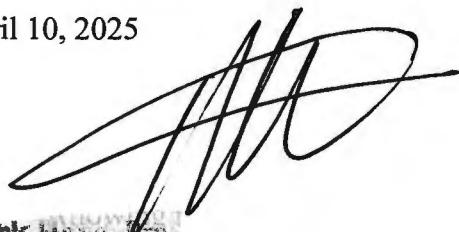
~~Allowing me the opportunity to repay the loan would be in the best interests of the
receivership estate and its investors, as it would avoid the additional costs of property
Planning, LLC na
financial institu
therefore~~
Allowing me the opportunity to repay the loan would be in the best interests of the estate and its investors, as it would avoid the additional costs of property maintenance, taxes, homeowners' association fees, utilities, and sales-related expenses. These costs would otherwise diminish the value of the estate.

Thank you for your time and consideration.

Respectfully submitted,

Mark Haye, Pro Se
~~allowing 1
restructuring off
receivership esti
100 1st ave n, #203, St Petersburg, Florida, 33710
financial institu
7278047220~~
Markhaye31@yahoo.com

April 10, 2025



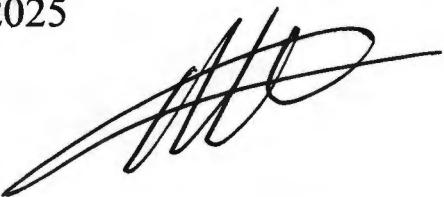
~~Mark Haye, Pro
Se~~

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2025, I, Mark Haye, served a copy of this Response to the Motion for Turnover by the Receivers via U.S. Mail and email to the following counsel:

- Russell Landy – rlandy@dvlpp.com
- Adriana Pavon – apavon@dvcattorneys.com
- Kenneth Murena – kmurena@dvlpp.com
- Henry F. Sewell, Jr. – hsewell@sewellfirm.com

Respectfully submitted,
Mark Haye, Pro Se
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April 10, 2025



2024/220

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April 10 2025



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